

NOT FOR CITATION

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

JOSE B. ORTIZ,	)	No. C 05-3067 JF (PR)
	)	
Petitioner,	)	ORDER GRANTING PETITIONER'S
	)	MOTION FOR EXTENSION OF TIME
v.	)	
	)	
RICHARD KIRKLAND, Warden	)	
	)	
Respondent.	)	
_____	)	(Docket No. 7)

Petitioner, a California prisoner proceeding pro se, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 and a motion to stay the instant petition. On February 7, 2006, the Court dismissed one of Petitioner's claims and denied Petitioner's motion for appointment of counsel and motion for discovery. The Court then granted Petitioner's motion to stay the instant petition, pursuant to Rhines v. Webber, 125 S. Ct. 1528, 1535 (2005), while he returned to state court to exhaust some of his claims.<sup>1</sup> The Court stayed the instant habeas action until thirty days after the California Supreme Court's final decision on Petitioner's remaining claims and administratively closed the case. The Court notified Petitioner that if he wanted this Court consider all of his claims, he must properly present

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<sup>1</sup> Petitioner did not specify which of his claims are unexhausted.

1 these claims to the Supreme Court of California within thirty days of the date this order is  
2 filed, and if he has not obtained relief in state court, thereafter notify the Court within thirty  
3 days of the California Supreme Court's decision.

4 On March 10, 2006, Petitioner filed a motion for extension of time. In his request  
5 Petitioner asks the Court for an order extending time for ninety days due to his limited law  
6 library access and assistance with his habeas action. The Court concludes that Petitioner has  
7 shown good cause for such extension. Based upon the amount of time that has already  
8 passed since Petitioner's request, the Court will grant Petitioner's motion (docket no. 7) and  
9 extend time for sixty (60) days from the date this order is filed. Accordingly, Petitioner shall  
10 present his unexhausted claims to the Supreme Court of California within sixty days of the  
11 date this order is filed, and if he has not obtained relief in state court, thereafter notify the  
12 Court within thirty days of the California Supreme Court's decision. The instant case will  
13 remain administratively closed until Petitioner notifies the Court of any decision as to his  
14 remaining claims.

15 IT IS SO ORDERED.

16 DATED: 8/16/06

  
JEREMY FOGEL  
United States District Judge

**United States District Court**

For the Northern District of California

1 A copy of this ruling was mailed to the following:

2  
3 Jose B. Ortiz  
T-58897  
4 Pelican Bay State Prison  
P.O. Box 7500  
5 Crescent City, CA 95531  
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